

MINUTES – MARCH 1, 2004

The Caswell County Board of Commissioners met in regular session at the Historic Courthouse in Yanceyville, North Carolina at 6:30 p.m. on Monday, March 1, 2004. Members present: Mel O. Battle, Chairman, Larry G. Hamlett, Vice-Chairman, Nathaniel Hall, Jack W. Hooper, Cathy W. Lucas, Kenneth D. Travis, and George W. Ward, Jr. Also present: Jeffrey H. Earp, County Manager, Robert V. Shaver, Jr., County Attorney, Gordon Bendall representing The Caswell Messenger, and Billy Baker representing The Danville Register & Bee. Wanda P. Smith, Clerk to the Board, recorded the minutes.

MOMENT OF SILENT PRAYER

Chairman Battle opened the meeting with a Moment of Silent Prayer.

APPROVAL OF AGENDA

Commissioner Travis moved, seconded by Commissioner Ward to approve the agenda as presented. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

Commissioner Hamlett moved, seconded by Commissioner Hall to approve the Consent Agenda as presented. The motion carried unanimously.

The following items were included on the Consent Agenda:

- 1) Approval of Minutes of February 2, 2004 Meeting
- 2) Monthly Tax Report for January, 2004

Total Taxes Collected	\$1,500,566.67
Tax Maps	\$ 230.50
2004 Prepayments	\$ 192.31
County Maps	\$ 94.80
Beer License	\$ 35.00
- 3) Monthly EMS Billing Report for January, 2004

Total Billed	\$ 40,719.00
Total Collected	\$ 16,382.31
Total Claims Filed with Medicare	51
Total Claims Filed with Medicaid	9
Total Adjusted Private Pay	\$ 204.00
Total Adjusted Medicare/Medicaid	\$ 7,061.38
- 4) Budget Amendment No. 28

PUBLIC COMMENTS

Chairman Battle opened the floor for public comments.

Ms. Pam Dunn, 101 Leaning Oak Trail, Prospect Hill, came before the Board and stated that she and her husband have lived in Caswell County for over seven years. Ms Dunn added that she and her husband chose Caswell County because of its friendly neighbors, rural lifestyle, and peace and tranquility; however, they are now faced with a threat to that peace and tranquility in the form of a motor cross racetrack in their backyard. Ms. Dunn stated that this racetrack creates noise pollution and is a nuisance and a health threat to the residents of that area. Ms. Dunn added that noise pollution is any form of unwelcome sound and the actual loudness of that sound is only one component of the effect it has on people. Ms. Dunn stated that other factors that must be considered are the time and place, duration, source, and whether the listener has any control over that sound. Ms. Dunn added that the Rural Health Organization suggests that noise can affect human health and well being in a number of ways. Ms. Dunn noted that noise can cause annoyance and frustration which leads to increased stress. Ms. Dunn stated that many of the activities that they formerly enjoyed, such as walking in the woods, gardening, and watching the wildlife from their backyard, have definitely been disturbed by the noise pollution created by this racetrack. Ms. Dunn added that research into the effects of noise on human health indicates a variety of health effects, both physiological and psychological such as colds, changes in blood pressure, other cardiovascular changes, problems with digestive system, and general fatigue. Ms. Dunn stated that noise can produce serious stress, and no one is immune to this stress. Mr. Dunn added that for many, exposure to this stress may increase their susceptibility to disease and infection and those with pre-existing health and medical conditions may experience noise as a complicating factor in those conditions. Ms. Dunn stated that noise that causes annoyance and irritability in healthy persons may have much more serious consequences for those that are already ill. Ms. Dunn added that to prevent aggravation of existing disease, doctors and health researchers agree that there is an absolute requirement for rest and relaxation at regular intervals to maintain adequate mental and physical health. Ms. Dunn noted that exposure to stress from noise frustrates this requirement and added that the effects of noise on health are often misunderstood or unrecognized. Ms. Dunn stated that well documented studies to clarify the role of noise as a public health hazard are still required, but it is known from the existing evidence that the danger is real. Ms. Dunn shared with the Board some quotes from doctors concerning the effects of noise on an individual's health. Ms. Dunn stated that she would like for the Board to experience briefly what it is like to live with this noise. Ms. Dunn shared with the Board an audio recording of first, the sound of a child, normal conversational level, and then the sound of three off terrain vehicles with standard mufflers on them and noted that what they are dealing with has no mufflers. Ms. Dunn stated that this is what they have in their backyards, hours on end. Ms. Dunn added that she can turn off the noise of the recording, and this is all that she is asking of the Board, to help them turn off the noise that they are having to live with.

Mr. Richard Benfield, of 81 Twisted Oak Trail, Prospect Hill, came before the Board and stated that he spoke to the Board at an earlier meeting, but felt he needed to speak again because the neighbor he referred to with the motor cross track got up and said some very disparaging comments about him and he wanted to set the record straight. Mr. Benfield stated that the Farleys seem to be a very nice family and has not met anyone who did not think that, but that is not what is being discussed, the issue is about proper land use in the County. Mr. Benfield added that they all live in Indian Springs Subdivision in Prospect Hill and the motor cross track is being built and used right next door. Mr. Benfield stated that the peace, quiet, and tranquility of their neighborhood when they built their homes is gone and there is probably nothing that can be done now to bring it back, but hopefully, something can be done so that no one else runs into this problem. Mr. Benfield added that he believed that this should be called improper land use when someone can come in next to you and make your property value worth less and make your quality of living go way down. Mr. Benfield stated that the counties of Person, Alamance, Rockingham, and Orange all have land use as far as he knew and because they do and Caswell County does not, anyone who wants to do something there and are disallowed, will come to Caswell County. Mr. Benfield added that he has never met Ms. Farley and has never personally complained to her, but he has spoken with the County Manager and County Planner and they both told him that the Farleys have every legal right in Caswell County right now to do what they are doing and there is nothing wrong that they are doing in Caswell County at this time and this is the problem. Mr. Benfield added that next door to an established residential subdivision should not be a place that someone can put a noisy business or hobby. Mr. Benfield stated that Ms. Farley had told the Board that he was the only neighbor who had a problem with what they are doing, and this is not true. Mr. Benfield noted that Ms. Farley told the Board that they never use their motor cross track on Saturday or Sunday and added that this is totally untrue. Mr. Benfield informed the Board of a family outing on Sunday, February 22, and from 12:15 p.m. until after 3:00 p.m. they heard the noise of the motor cross track. Mr. Benfield stated that Ms. Farley informed the Board that she spoke with every neighbor adjoining their property and not one of them had a problem with the noise and Mr. Benfield added that this is not true. Mr. Benfield noted that one particular neighbor, Mr. Jim Arnold, has a huge problem with this noise because he is trying to sell a house valued at over a half million dollars and with this motor cross track, it is possible that he may never be able to sell it.

Ms. Bonnie Manzulich of 78 Leaning Oak Trail, Prospect Hill, came before the Board and stated that she would first like to apologize to Mr. Benfield for not being present at the last meeting to support him, but they do support him. Ms. Manzulich added that due to health reasons they located to Caswell County to get away from noise and pollution expecting to retire and live out their lives in a peaceful area. Ms. Manzulich stated that she could not understand how anyone could be so self-centered and selfish that they would move into a nice quiet neighborhood and turn people's lives upside down and ruin their quality of life. Ms. Manzulich stated that they used to sit on their porch and they could see different kinds of wildlife running around in their yard and neighborhood and now with the roar of earth moving machines and motor cross bikes wildlife are leaving the area. Ms. Manzulich added that she thought this would be of great concern to the

people and hunters of Caswell. Ms. Manzulich informed the Board that her husband has anxiety attacks, panic attacks, a heart condition, and a lung disease and exposure to this noise and dust will affect his health and his quality of life. Ms. Manzulich added that they were told that the Farleys are within their rights and her question is where is their rights to enjoy their home, porch, and tranquility of their yard. Ms. Manzulich stated that if this motor cross track is allowed to continue, their homes and property will lose their value while their taxes keep climbing. Ms. Manzulich added that if they continue to live in their homes in Caswell County, they will be forced against their will to listen to these motor cross bikes even though they prefer not to. Ms. Manzulich stated that to her, this is a form of bullying and abuse because no one has a right to inflict or force on her, her husband, or neighbors this abusive and obnoxious noise because it disrupts their lives. Ms. Manzulich added that the Farleys say this is for their children to practice on, but maybe they need to refresh their memory as to how many children they have and just how much land they need to tear up for two children to practice on. Ms. Manzulich quoted from The Caswell Messenger that the Farleys are currently trying to find funds and equipment to build a track at their Prospect Hill home for their children and other area youth who are interested in this sport. Ms. Manzulich stated that the County needed Ordinances to be in place to protect people from things like this and people need to be educated and well informed on issues such as this. Ms. Manzulich added that without zoning laws and Ordinances to protect them, she sees serious trouble down the road. Ms. Manzulich stated that businesses, including riff raff, have an open invitation and an ABC store, massage parlor, or topless bar could go up beside one or all of the County's schools and it can happen because the County has no control over it, just like with the motor cross track. Ms. Manzulich added that they needed the Board's understanding and help.

Ms. Julie Nelson of 13231 Hwy 86 South, Prospect Hill, came before the Board and presented a petition representing 18 families and 18 separate households that states, "We, the undersigned, living in close proximity to the proposed motor cross race/practice track now under construction on the property of Larry Farley (located at 13017 Highway 86 South), do hereby present this petition to the Caswell County Commissioners, seeking consideration and relief from the noise, dust, reduction in property values, interference with the enjoyment of outdoor activities on our own property, and the general nuisance this track has and will cause". Ms. Nelson noted that this petition does not include all the families that are opposed to the motor cross track, only the ones they could contact at home.

Mr. James Arnold, 190 Learning Oak Trail, Prospect Hill, came before the Board and stated that he came to Caswell County and built his house because of a magazine article written on Caswell County. Mr. Arnold stated that the noise heard earlier by the Board is what he has to listen to when he eats his supper and it vibrates the windows in the back of his house. Mr. Arnold added that he bought 54 acres on which to retire because he is the last one in his family. Mr. Arnold stated that with the noise going on and no control over it, property in the area is not going to sell. Mr. Arnold added that he has been in real estate and is a licensed general contractor and it seems that the County has a problem with zoning. Mr. Arnold stated that the County needs some type of control over this because a nuclear plant could be located in someone's back yard. Mr. Arnold added that

another reason he moved to Caswell is because of the wildlife, but with the noise going on, the wildlife is no longer there. Mr. Arnold stated that this noise is a hindrance and a bother and feels that the Board needs to look into something to help them solve this problem. Mr. Arnold added that he did not begrudge the children having a place to ride their bikes, but it should be in a proper place and did not feel it should be in someone's back yard in a residential area. Mr. Arnold stated that he is real surprised that this is allowed on Sunday. Mr. Arnold added that he called the Police Department on a Sunday and was informed that the Noise Ordinance stipulates that the bikes can ride one hour before sunrise and one hour after sunset.

Chairman Battle requested that Mr. Mike Cusimano, County Planner, respond as to the status of this situation. Mr. Cusimano informed the Board that he has been aware of this situation for about three weeks and has heard from most of the people present. Mr. Cusimano stated that Caswell County has no Zoning Ordinance and this is the type of ordinance under which this particular type of activity would be governed. Mr. Cusimano added that based upon the adoption of the Land Use Plan and the format under which it was adopted, he saw no immediate hope for a Zoning Ordinance to help people with this situation. Mr. Cusimano noted that of the County's current Ordinances, the only one that may remotely address the situation would be the Noise Ordinance that is enforced by the Sheriff's Department. Mr. Cusimano reported that over the past three weeks, he has asked Inspectors from the Division of Water Quality and Division of Land Quality with the NC Department of Environment and Natural Resources, Winston-Salem Office, to go out and inspect the motor cross facility in Prospect Hill for compliance with the Soil Erosion Control Act. Mr. Cusimano stated that Water Quality found no violations whatsoever and found them to be in compliance and good standing, while the Division of Land Quality found no violation other than they had failed to obtain a Soil Erosion Control permit and the Farleys have been told that they must do this. Mr. Cusimano added that once the plan has been filed, approved, and implemented, the Farleys will be in compliance with this and are under no threat of a fine or penalty at this point. Mr. Cusimano stated that basically, this is all he can tell the people in Prospect Hill and all he can do to help them at this point.

Upon questioning from Chairman Battle, Mr. Cusimano answered that regarding the County's Noise Ordinance, he does not administer this Ordinance, but to his knowledge a complaint would have to be filed, the Sheriff would dispatch a deputy to that site and make a determination as to whether the activity was creating a significant noise level outside of the parameter of the Ordinance. Mr. Cusimano noted that there are no decibel requirements in the Ordinance, rather it is a subjective view of what the deputy feels is appropriate. Mr. Cusimano added that if the activity continues beyond the hours stated in the Ordinance, then the deputy would have the authority to address this issue.

Mr. Wayne Nelson, of Prospect Hill, came before the Board and asked if a fox run was closed between Leasburg and Prospect Hill because of noise. Chairman Battle answered that this fox run was closed, but clarified that the fox running was violating the hours stated in the Noise Ordinance.

Commissioner Lucas requested that Ms. Dunn replay the tape she had played earlier in the meeting. Ms. Dunn replayed the tape and stated that this audiotape is a professionally made CD from the Noise Pollution Clearinghouse.

Commissioner Lucas stated that she personally would like to apologize to the Prospect Hill community for action that this Board took at its meeting last Monday night in not approving a Land Use Plan for Caswell County. Commissioner Lucas added that since she has been on the Board, she has had groups of people like those present coming to them on five or six occasions begging for help, and there is no help to give and she would like to personally apologize for this.

There was a question from the group as to whether the Noise Ordinance could be changed. Chairman Battle clarified that any County Ordinance can be reviewed and amended by the Board of Commissioners.

Commissioner Lucas stated that this is what had been hoped to be accomplished by implementing a Zoning Ordinance in the County because the County has a number of small Ordinances to address certain situations in the County, but one Ordinance could have encompassed everything and given them the protection they needed.

PRESENTATION OF EMS SYSTEM CERTIFICATE

Ms. Regina Crawford and Mr. Vincent Jordan, OEMS Regional Systems Specialists, came before the Board to present the EMS Baseline System Certificate to the Caswell County Emergency Medical Services. Ms. Crawford informed the Board that their office had operated under the EMS Act of 1973 and their rules became very outdated. Ms. Crawford stated that they revamped their rules, gave EMS systems across the State the opportunity to access where they are currently in EMS and where they would like to be and gave them two options, the Baseline System and the Model System. Ms. Crawford added that Caswell County has decided to go Baseline at this time and at any time that the County desires to go Model they will stand behind them and support them in every way. Ms. Crawford presented to Caswell County EMS Captains Gaither Clayton, David Lucas, and Dennis Hancock the EMS Baseline System Certificate.

PIEDMONT COMMUNITY COLLEGE – CASWELL COUNTY IMPACT STATEMENT

Dr. H. James Owen, President, Piedmont Community College, came before the Board to present the annual Caswell County Impact Statement. Dr. Owen presented the following summary of the Impact Statement.

Enrollment Growth

?? The College's unduplicated headcount has increased from 4,123 in 1994/95 to 8,298 in 2002/03, a **101% increase**.

- ?? The College's Full Time Equivalence (FTE) has increased from 942 in 1994/95 to 2,089 in 2002/03, a **122% increase**.
- ?? College has grown from a ranking of 49 out of 58 community colleges in 1994 to **36th** in 2003.
- ?? **PCC was ranked 6th** in The North Carolina Community College System in 2002-2003 in total distance learning enrollment.
- ?? The number of Caswell County residents attending PCC has increased from 1,860 in 1995-96 to 2,992 in 2002-2003, a **61% increase**.
- ?? Between 1999 and 2003, the number of **curriculum courses offered in Caswell County has increased 115%** and the **number of students** taking those courses **has increased 123%**.

Economic Development

- ?? **Business Development Center** – VISTA volunteers, funded through the Region K COG are being utilized to assist in local economic development efforts; Merrell Wilcox is assisting with the Rural Community College Initiative, to develop plans for Person and Caswell counties that will improve educational access and economic development. Andrelle Willis' focus is youth entrepreneurship, Individual Development Account (IDA) programs and community based organization (CBO) capacity building. Another VISTA position should be filled by May 1 to work on micro-enterprise development.
- ?? **EMERGE** is funded by the Federal Workforce Investment Act, through the Region K Kerr-Tar Workforce Development Board. The program began in February, 2003 and helps dislocated workers prepare for new careers and re-entry into the workforce. Fifty of the EMERGE participants have returned to work since the program's implementation, and fifty additional participants have enrolled in further education at the College.
- ?? **KEYS – Workforce Skills Assessment and Development Program** – a partnership between the Region K Kerr-Tar Workforce Development Board, JobLink Career Center partners, and the College. This is the first year of a three-year demonstration project to assess the work skills of unemployed individuals in Person and Caswell counties and to remediate skill deficits identified.
- ?? **PCC** has recently partnered with the following **Caswell County Industries** to provide on-site training to improve employee skills:
 - Burlington Industries/Tietex Interiors**
 - The Wizard's Cauldron**
 - Royal Park Uniforms**

Course/Training Offerings

?? Programs currently offered at the **Caswell County Campus**:

- University Transfer (degree)
- Office Systems Technology (certificate, diploma, degree)
- Early Childhood Associate (certificate, diploma, degree)
- Teacher Associate Concentration (degree)
- Criminal Justice Technology (certificates, degree)
- Film and Video Production Technology (degree)
- Digital Effects and Animation Technology (degree)
- Welding Technology as an evening program (certificate)

?? **Huskins Bill** courses offered to 547 **BYHS students** in 2002-2003 included:

- Criminal Justice
- Early Childhood
- Computer Programming
- Industrial Systems Technology
- Welding

?? **Short-Term programs** currently offered at the Caswell County Campus:

- Nurse Aid Levels I & II
- Teacher Re-Certification courses
- EMT – Basic and Paramedic
- Personal Enrichment courses

?? **Adult Basic Skills** enrolled 2,103 students in 2002-2003 with 112 GEDs awarded in May 2003.

?? PCC offered the second year of the **DIGITAL EFFECTS AND ANIMATION TECHNOLOGY** program in 2002-2003. In only two years, this **Caswell County Campus** program is at the **maximum enrollment** of first-year students.

Financial Impact

?? In the 2002/2003 academic year, 342 Caswell County students received \$570,011 in financial aid awards, with 96% being federal funds. These funds are expended for tuition, textbooks, supplies and other necessities. Funds are expended within the local community.

?? As of January, 2004, 20% (35 individuals) of the College's full-time employees were Caswell County residents. These individuals are very involved in their communities and contribute to the local economy.

?? The College's total budget in 2002/2003 was \$18.5 million with the majority expended in faculty and staff full and part-time salaries. Many supplies and materials are purchased locally where feasible and available.

?? The College total budget has increased from \$7.5 million in 1994/05 to \$18.5 million in 2002/2003, a 125% increase.

?? The Caswell County contribution has increased from \$116,816 in 1994/05 to \$143,911 in 2002/2003, a 23% increase. The Caswell county contribution in 1994/95 was 1.56% of the total, the 2002/2003 contribution was .78% of the total budget.

Dr. Owen presented the following information on the construction of a new classroom/lab building at the Caswell County Campus.

Scope of Project

Construction of new classroom/lab building consisting of approximately 10,600 square feet. The original building occupied in 1988 plus the addition in 1997 totaled 26,725 square feet. Thus, the new building will add approximately forty (40) percent more square footage. The new building will be a separate building connected by a walkway to the existing building. It will be located to the left of the existing building when you are facing the existing building. The project site is presently a grass and wooded area bounded by the existing building to the north, a sidewalk and other campus areas to the east, an existing parking lot to the south, and a paved drive to the west. The building will contain five (5) labs/classrooms, seven (7) offices and various support rooms for storage and specialized use. The main functions to be accommodated in the new building will support the Film and Video Production Technology and the Digital Effects and Animation Technology programs.

The total cost of the project is \$1,567,922. It is 100 percent funded by the Year 2000 State Community College Bond Funds with no match required by Caswell County. The College appreciates the seventy-two (72) percent approval of the Caswell County voters in passing the year 2000 State Community College Bond Fund Referendum. It should be further noted that the 1988, 1997, and 2004 projects have all been constructed with State funds and no funds have been requested from the Caswell County Commissioners for construction of Piedmont Community College facilities in Caswell County.

TIMELINE

Began design phase	May 2003
Projected to advertise for bids	March 2004
Projected to begin construction	May 2004
Projected completion and occupancy	May 2005

Chairman Battle asked Dr. Owen if Cosmetology is taught at the Person County campus. Dr. Owen confirmed that Cosmetology is taught at the Person County campus to residents from Person and Caswell counties and surrounding areas. Chairman Battle asked if this program is taught under the Huskins Bill to Person County High School students. Dr. Owen confirmed that this is correct. Chairman Battle asked why this curriculum is not taught to Bartlett Yancey High School students. Dr. Owen answered that the reason that Cosmetology is not offered to Bartlett Yancey High School students is due to space limitations, equipment necessary to outfit the lab, and faculty that would

be necessary and noted that the cost would be approximately \$150,000 to duplicate the program at Person County and they do not have the funds. Chairman Battle stated that Bartlett Yancey High School students need this same opportunity because a lot of the students make this their profession and if it were offered in Caswell County, it would give them a start.

Chairman Battle asked Dr. Owen his thoughts on how the State recognizes drop-outs because when students come to Piedmont Community College to obtain their GED they are still considered drop-outs. Chairman Battle asked if there is any movement for the community colleges to try to change this. Dr. Owen stated that this is a decision made by the State Board of Education and the Community College System does not have a role in these definitions or how they are determined.

Commissioner Lucas complimented Dr. Owen on Piedmont Community College's Film School and Digital Effects and Animation Technology Program. Commissioner Lucas stated that she understood that these are quite a success and are attracting students from all over the country. Dr. Owen informed the Board that a Film Festival would be held at the Caswell County Civic Center next month in which student work is demonstrated and invited the Board to attend this event.

SCHOOL BOND REFINANCING

Commissioner Hall introduced the following resolution, a copy of which had been provided to each commissioner and which was read by its title:

**SUPPLEMENTAL RESOLUTION AUTHORIZING THE ISSUANCE OF
GENERAL OBLIGATION SCHOOL REFUNDING BONDS OF CASWELL
COUNTY IN AN AGGREGATE PRINCIPAL AMOUNT OF UP TO \$4,750,000
PURSUANT TO A BOND ORDER HERETOFORE APPROVED AND
PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF.**

WHEREAS, the Board of Commissioners (**the "Board"**) of Caswell County, North Carolina (**the "County"**) on October 20, 2003 introduced a Bond Order authorizing the issuance of the Refunding Bonds (**the "Bond Order"**), which Bond Order as introduced was published in accordance with the requirements of the Local Government Bond Act, and has held a public hearing on the Bond Order as introduced not earlier than six days after such publication; and

WHEREAS the Board on November 17, 2003 adopted the Bond Order in final form authorizing the issuance of the Refunding Bonds in order to refund the County's \$8,705,000 General Obligation Refunding Bonds, Series 1993 (**the "1993 Bonds"**).

**BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR
CASWELL COUNTY, NORTH CAROLINA:**

1. *Findings.* The Board has determined and does hereby find and declare:

(a) That the Bond Order authorizing not exceeding \$4,750,000 of School Refunding Bonds (**the “Refunding Bonds”**) was adopted by the Board on November 17, 2003 following the above-described public hearing, which Bond Order has taken effect, and the Clerk to the Board has published said Bond Order, together with the appended statement as required by the Local Government Bond Act, as amended, once in The Caswell Messenger.

(b) That on November 17, 2003 the Board adopted its Resolution authorizing the issuance of the Refunding Bonds (**the “Bond Resolution”**).

2. *Issuance of Refunding Bonds.* Pursuant to the Bond Order, there shall be issued Refunding Bonds of Caswell County, North Carolina (**the “Issuer”**) in the maximum aggregate principal amount of \$4,750,000 designated “General Obligation School Refunding Bonds, Series 2004” and dated on or about March 1, 2004. The form, details and payment of the Refunding Bonds shall be as set forth in the Bond Resolution, except as otherwise provided in this Supplemental Resolution. The Refunding Bonds shall be stated to mature (subject to adjustment as hereinafter set forth) annually, on June 1 in the following years and in the following amounts: 2004 (\$550,000), 2005 (\$555,000), 2006 (\$530,000), 2007 (\$505,000), 2008 (\$485,000), 2009 (\$470,000), 2010 (\$450,000) and 2011 (\$430,000). The Refunding Bonds shall bear interest at a rate or rates to be determined by the Local Government Commission of North Carolina at the time the Bonds are sold (provided, however that the net interest cost of the Refunding Bonds shall not exceed 4.5% per annum), which interest to the respective maturities thereof shall be payable on June 1, 2004 and semiannually thereafter on December 1 and June 1 of each year until payment of such principal sum. Notwithstanding the foregoing, the Issuer reserves the right to increase or decrease the aggregate principal amount of the Refunding Bonds by an amount not to exceed \$100,000 following the opening of bids for the purchase of the Refunding Bonds and, in the event of such increase or decrease, the principal amount of any maturity of the Refunding Bonds will be increased or decreased by an amount not to exceed \$50,000 per maturity to be determined by the Finance Officer of the Issuer, with the advice of the Issuer’s financial advisor employed in connection with the issuance of the Bonds, provided that interest rate savings will be realized by the Issuer during the period which the Refunding Bonds will be outstanding as a consequence of issuing the Refunding Bonds and provided further that no such annual installment shall be more than four times as great in amount as the smallest prior installment, and further provided that the first such installment shall be not more than 3 years after the date of the Refunding Bonds and the last such annual installment shall be not later than either (1) the shortest period, but not more than 40 years, in which the debt being refunded can be finally paid without making it unduly burdensome on the taxpayers of the County, as determined by the LGC or (2) the end of the unexpired period of usefulness of the project. The Finance Officer of the Issuer is hereby authorized and directed to make any such adjustment, if appropriate, on behalf of the Issuer. The Refunding Bonds will not be subject to redemption prior to maturity. Principal, premium, if any, and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

3. *Approval of Official Statement for Offering* - There has been made available to each member of the Board the form of an official statement (**the "Official Statement"**) relating to the Refunding Bonds, pursuant to which the Refunding Bonds will be offered for sale. The Official Statement remains subject to completion and amendment.

The Official Statement is approved as the form of official statement pursuant to which the Refunding Bonds will be offered for sale. The actions of the Finance Officer, in collaboration with the LGC, to prepare the text of the Official Statement are ratified, approved and confirmed. The Board approves the LGC's distribution of the Official Statement to prospective purchasers of the Refunding Bonds. The Official Statement as so distributed must in substantially the form presented to this meeting, with such changes as the Finance Officer may approve.

The Board acknowledges that it is the County's responsibility to ensure that the Official Statement, in its final form, neither contains an untrue statement of a material fact nor omits to state a material fact required to be included therein for the purpose for which such Official Statement is to be used or necessary to make the statements therein, in light of the circumstances under which they were made, not misleading. By the adoption of this resolution, the Board members approve the Official Statement as materially correct and complete, and further acknowledge and accept their own responsibility for causing the County to fulfill these responsibilities for the Official Statement.

4. *Completing Official Statement after Sale* -- After bids have been received and the LGC has awarded the Refunding Bonds to the successful purchaser, the Finance Officer is authorized and directed to prepare, in collaboration with the LGC, a supplement to the Official Statement containing, among such other matters as may be appropriate, information required pursuant to Rule 15c2-12 ("**Rule 15c2-12**") promulgated by the United States Securities and Exchange Commission under the United States Securities Act of 1934, as amended. The County, together with the LGC, will arrange for the delivery within seven business days of the date the Refunding Bonds are sold of a reasonable number of copies (including dissemination by electronic means in accordance with LGC procedures) of the supplemented Official Statement to the successful bidder on the Refunding Bonds for delivery to each potential investor requesting a copy of the supplemented Official Statement and to each person to whom such bidder and members of the bidding group initially sell the Refunding Bonds.

5. *Tax Matters* -- The Board, on behalf of the County, certifies by this resolution that it does not reasonably anticipate the issuance by it or its subordinate entities of more than \$10,000,000 in "qualified tax-exempt obligations" (excluding private activity bonds) during the calendar year 2004 and will not designate (excluding any bonds deemed designated pursuant to the provisions of § 265(b)(3)(D)(ii) of the Code), or permit the designation by any of its subordinate entities of any bonds during the calendar year 2004 which would cause the \$10,000,000 limitation of Section

265(b)(3)(D) of the Code to be violated, and hereby designates the Refunding Bonds in the maximum principal amount of \$4,750,000 as “qualified tax-exempt obligations” for the purpose of § 265(b)(3) of the Code.

The Board intends for the Refunding Bonds to be treated as complying with the provisions of Section 148(f)(4)(D) of the Code, which provides an exception from the “rebate requirement,” as the Refunding Bonds (1) are issued by the County, which is a governmental unit with general taxing powers, (2) no bond which is a part of this issue is a private activity bond, (3) 95% or more of the net proceeds of this issue are to be used for local governmental activities entirely within the jurisdiction of the County, and (4) the aggregate face amount of all tax-exempt notes and bonds (other than private activity bonds and bonds deemed designated pursuant to the provisions of §148(f)(4)(D)(iii) and (v) of the Code) issued by the County during the calendar year 2004 (and notes and bonds issued by any subordinate entity of the County) is not reasonably expected to exceed \$5,000,000 except that, pursuant to the provisions of Section 148(f)(4)(D)(iii) of the Code, this amount of \$5,000,000 is increased by the Lesser of \$10,000,000 or so much of the aggregate face amount of all tax-exempt bonds (other than private activity bonds) issued by the County during the calendar year 2004 (and notes and bonds issued by any subordinate entity of the County) attributable to financing the construction (within the meaning of Section 148(f)(4)(C)(iv) of the Code) of public school facilities.

6. *Contract with Bondholders* – The provisions of this resolution shall constitute a contract between the County and holders of the Refunding Bonds for so long as any of the Refunding Bonds and interest thereon are outstanding.

7. *Miscellaneous Provisions* -- The Chairman of the Board of Commissioners, County Manager, the Finance Officer and the County Attorney and their designees are hereby authorized and directed to take such other actions and to execute and deliver such other documents, certificates, undertakings, agreements or other instruments as may be necessary or appropriate to effectuate the issuance of the Refunding Bonds and the refunding of the 1993 Bonds. Such actions include determining on behalf of the Issuer whether or not to proceed with such refunding depending upon the cost savings available on the sale date of the Refunding Bonds and, if a determination is made to proceed with such refunding, giving or causing to be given notices of redemption of such bonds to be refunded as required by the resolution providing for their issuance heretofore passed by the Board and such related documents as may be applicable. All other acts of the Chairman of the Board of Commissioners, County Manager, Finance Officer, County Attorney, Bond Counsel, the County’s Financial Advisor and other officers, agents and representatives of the Issuer that are in conformity with the purposes and intent of this resolution and in furtherance of the plan of financing, the issuance of sale of the Refunding Bonds are hereby approved and ratified. Except as specifically amended and modified by this Supplemental Resolution, the Bond Resolution is hereby confirmed, reiterated and readopted.

8. *Effective Date.* This resolution shall take effect immediately upon its passage.

S/M. O. Battle
M. O. Battle, Chairman
Caswell County Board of Commissioners

ATTEST:

S/Wanda P. Smith
Wanda P. Smith
Clerk to the Board

Upon Motion of Commissioner Hall, seconded by Commissioner Lucas, the foregoing resolution entitled: “SUPPLEMENTAL RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF CASWELL COUNTY IN AN AGGREGATE PRINCIPAL AMOUNT OF UP TO \$4,750,000 PURSUANT TO A BOND ORDER HERETOFORE APPROVED AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF” was passed by the following vote:

Ayes: Commissioners Battle, Hamlett, Hall, Hooper, Lucas, Travis, and Ward.

Noes: None

* * * * *

DISCUSSION OF ISSUES AND TOPICS FOR JOINT MEETING WITH BOARD OF
EDUCATION

Chairman Battle stated at the Board’s upcoming special joint meeting with the Board of Education, he would like to ask the Board of Education what plans they have made regarding the federal legislation “No Child Left Behind”. Chairman Battle stated that he would also like to discuss facilities with the Board of Education, such as Bartlett Yancey High School, Stoney Creek Elementary School and what their plans are for the future. Commissioner Ward stated that he would also like to discuss facilities as noted by Chairman Battle with the Board of Education. Commissioner Lucas stated that she would like to discuss Public School Capital Outlay Funding, how it is to be used, and the

guidelines that govern that money in Raleigh. Commissioner Hall stated that he would like to discuss advanced courses versus basic courses taught at Bartlett Yancey High School, the drop-out rate, the possible impact of the Leandro Decision, and zero tolerance as it relates to discipline and the impact on the education of students. Commissioner Lucas requested that the Board be provided an accurate figure on the amount of funds allocated per pupil in Caswell County.

Chairman Battle requested that the Board be provided with a list of topics for discussion at the Joint Meeting which were submitted by the Board of Commissioners and the Board of Education prior to their meeting.

COUNTY MANAGER'S REPORT

Mr. Earp reported that he received a request from the Ms. Delores Dameron, Register of Deeds to replace her 1996 (Windows 95) computer system. Mr. Earp added that the computer system has 32 MBs and is too small to run the web site and additional programs needed for recently purchased updates. Mr. Earp stated that Mr. Robert Webb, the County's IT/Computer Support Technician has informed him that he can build a system for the Register of Deeds at a cost of \$800.99. Mr. Earp noted that the Register of Deeds does not have this money in her budget and has requested an appropriation from an alternative source. Mr. Earp noted that the Register of Deeds' Automation Fund has been depleted. Mr. Earp recommended that the Board approve this request with funds to come from Fund Balance or from revenues received by the County in a recent surplus sale which totaled approximately \$7,500. After further discussion, Chairman Battle moved, seconded by Commissioner Ward to approve the request as submitted from the Register of Deeds for the replacement of a computer system at a cost of \$800.99, with funds to be appropriated from proceeds of the County's Surplus Sale. The motion carried unanimously.

Mr. Earp presented a request from the Department of Social Services Director for the replacement of lobby furniture as requested in the Facility Inspection Report. Mr. Earp added that Ms. Bettye Parker, DSS Director, would like to purchase vinyl covered chairs, stacking chairs, corner tables, and an end table at a cost of \$1,543.62. Mr. Earp reported that Ms. Parker does not have capital outlay money for this purchase and asked that the Board consider appropriating this money from an alternate source. Mr. Earp added that Ms. Parker has informed him that the Medicaid line item is currently running below projections and that a surplus of \$60,000 is projected at this time. Mr. Earp reported that Ms. Parker received quotes from three vendors and recommended the purchase from the low bidder, Warren's Interior Design & Furniture at a cost of \$1,543.63. Mr. Earp noted that Ms. Pat Warren, owner of the company, is a member of the Social Services Board, submitted the quote at cost and includes no profit. Mr. Earp added that he reviewed this with the County Attorney and found everything to be legal and in order. After further discussion, Chairman Battle moved, seconded by Commissioner Travis to approve the request from the DSS Director for lobby furniture to be purchased from Warren's Interior Design & Furniture at a cost of \$1,543.63, with funds to be appropriated from the Medicaid line item and if funds are not available, to come from a line item within the existing DSS budget. The motion carried unanimously.

Mr. Earp presented a request from Mr. Thomas Bernard, Tax Director, for approval of the mapping contract for a fly-over of the County to Sanborn, LLC in the amount of \$42,000. Mr. Earp noted that the original request was brought before the Board at its February 23rd meeting. Mr. Earp added that the 911 Board has approved to pay for this purchase in an amount up to \$45,000. Mr. Earp presented quotes from Sanborn and Kucera, International, Inc. which were both for \$42,000 and noted that his recommendation was based on previous experience with Sanborn. After further discussion, Commissioner Hall moved, seconded by Commissioner Ward to approve the request from the Tax Director for the award of the mapping contract to Sanborn, LLC in the amount of \$42,000. The motion carried unanimously.

Mr. Earp presented a request from the Board of Education regarding the replacement of sewer pumps at North Elementary School. Mr. Earp stated that the cost of the replacement pumps are \$28,500, the public school building capital fund (ADM money) can be used for \$21,375 of the purchase leaving a match of \$7,125. Mr. Earp added that Superintendent Barker has stated that he has \$5,000 from an emergency line item toward the match and requests the County to supply the remaining \$2,125. Mr. Earp noted that the bond payment (principle and interest) were not allowed to be used as matches because the construction projects are completed. Commissioner Lucas informed the Board of a conversation she had with Mr. Jim Lora of NC Department of Public Instruction and Ms. Elizabeth Gravenstein with the State Office of Budget and Management because it was her understanding that bond payment money could be used for this match for this project. Commissioner Lucas stated that Mr. Lora told her that ADM match money needed to be project specific and that bond payment could not be used for the match. Commissioner Lucas added that she then checked to see what was in the Emergency plumbing line item for the Schools, which is money that the County had already given to them. Commissioner Lucas stated that she would like to see the Board consider allowing the Schools to use what they have in their Emergency plumbing line item and if they have any other emergencies, then they could come back to the Board of Commissioners for funding. After further discussion, Commissioner Lucas moved, seconded by Chairman Battle that the School Board use their Capital money appropriated in their current budget line item to pay for the replacement of sewer pumps at North Elementary School, and in the event they have an emergency arise by the end of the School year, that they come back to the Board of Commissioners and they will be funded up to the amount that is currently in the line item. The motion carried by a vote of six to one with Commissioner Travis voting no.

Mr. Earp reported that the county received a Facility Compliance Report issued by the North Carolina Department of Environment and Natural Resources which addressed animal burial at the closed Caswell County Landfill. Mr. Earp stated that NCDENR informed Mr. Tim Smith, Solid Waste Director, that it is not a good practice to bury animals around or near a closed MSW landfill because there exists a potential for contamination of ground water monitoring wells due to burials in the vicinity of the wells. Mr. Smith was also told that should contaminants show up in a well, significant expense could be incurred by the County to identify and remediate the problem. Mr. Earp informed the Board that NCDENR has recommended that the County may wish to find an alternative area or method for disposal, or discontinue the practice of accepting

dead animals for disposal. Mr. Earp informed the Board that small animals are disposed of with the solid waste, while larger animals such as cows and horses are buried at the Landfill. Mr. Earp reported that he has instructed the Solid Waste Director to look at the landfill site and determine if there is an area that would be suitable for burial of large animals. Commissioner Hamlett asked how many large animals are regularly buried at the landfill. Mr. Earp answered that he would estimate that four to five large animals are buried each month. Commissioner Lucas asked what would be the alternative to burying large animals at the landfill. Mr. Earp answered that an alternative would be for the owner of the livestock to bury the animal on his own property. Commissioner Lucas asked how many acres are at the landfill. Mr. Earp answered that there are approximately 187 acres at the landfill. Commissioner Hall asked if the County had been charging for the burial of the large animals at the landfill. Mr. Earp answered that the individual pays the tipping fee at the landfill, but does not pay an additional fee for burial of the animal. Commissioner Hall suggested the possibility of the use of an incinerator at the landfill.

Mr. Earp informed the Board that the joint meeting with the Board of Education for the following night has been cancelled and several dates have been proposed. The Board agreed to meet jointly with the Board of Education on Tuesday, March 16, 2004, at 6:30 p.m. at the Historic Courthouse.

OTHER BUSINESS

Chairman Battle informed the Board that the Caswell County Chamber of Commerce Banquet will be held on Thursday, March 4, 2004, at 6:15 p.m. and requested that the Board members inform him if they plan to attend.

Chairman Battle reported that he has requested that the County Manager contact Mr. Tom Freeze, of Tom's Furniture Stripping Repair and Finishing, 2227 North Main Street, Danville, VA, concerning a bench in the Historic Courtroom that is in need of repair.

Commissioner Hooper questioned the status of repairs needed to the pavement leading to the entrance of the Post Office. Mr. Earp stated that the County is currently in the process of repairing this.

CLOSED SESSION

Chairman Battle moved, seconded by Commissioner Travis that the Board enter into closed session to preserve the Attorney/Client privilege (NCGS 143-318.11(a)(3)). The motion carried unanimously.

REGULAR SESSION

Chairman Battle moved, seconded by Commissioner Hamlett to resume regular session. The motion carried unanimously.

APPEAL BY VINCENT MARCHISOTTO FROM NOTICE OF VIOLATION OF
COUNTY'S OUTDOOR STORAGE ORDINANCE

Commissioner Travis moved, seconded by Commissioner Hooper to grant Mr. Vincent Marchisotto thirty days in which to prepare a Site Plan in order to come in compliance with the County's Outdoor Storage Ordinance, and to waive any penalty fees due to hardship. The motion carried unanimously.

CHAIRMAN'S COMMENTS

Chairman Battle reported that he has received a lot of complaints from individuals due to the County's revaluation.

Chairman Battle requested that each Board member respect the vote of every other Board member.

THE ADJOURNMENT

At 8:50 p.m. Commissioner Travis moved, seconded by Commissioner Hamlett to adjourn the meeting. The motion carried unanimously.

Wanda P. Smith
Clerk to the Board

M. O. Battle
Chairman
